

# The Burger Court Opinion Writing Database

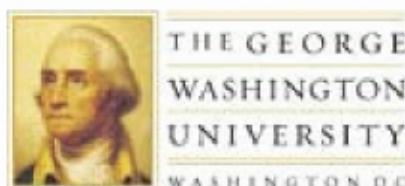
*Brunette Machine Works, Ltd. v. Kockum Industries, Inc.*

405 U.S. 228 (1972)

Paul J. Wahlbeck, George Washington University

James F. Spriggs, II, Washington University

Forrest Maltzman, George Washington University



5  
Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

June 5, 1972

No. 70-314 -- Brunette Machine Works v. Kockum Ind.

Dear Thurgood:

Please join me.

Regards,

W&B

Mr. Justice Marshall

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM O. DOUGLAS

May 31, 1972

Dear Thurgood:

Re: No. 70-314  
Brunette Machine v. Kockum

Please join me in your opinion.

WW

William O. Douglas

Mr. Justice Marshall

CC: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR. May 31, 1972

RE: No. 70-314, Brunette Machine Works v.  
Kockum Industries, Inc.

Dear Thurgood:

I agree.

Sincerely,



Mr. Justice Marshall

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

May 31, 1972

70-314 - Brunette Machine Works, Ltd.  
v. Kockum Industries, Inc.

Dear Thurgood,

I am glad to join your opinion for  
the Court in this case.

Sincerely yours,

P. S.

Mr. Justice Marshall

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 31, 1972

Re: No. 70-314 - Brunette Machine Works, Ltd.  
v. Kockum Industries, Inc.

Dear Thurgood:

Please join me. And thanks for the  
breath of fresh air.

Sincerely,



Mr. Justice Marshall

Copies to Conference

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 70-314

Brunette Machine Works, Ltd., Petitioner,  
v.  
Kockum Industries, Inc. } On Writ of Certiorari to  
the United States Court  
of Appeals for the Ninth  
Circuit.

[May —, 1972]

MR. JUSTICE MARSHALL delivered the opinion of the Court.

Section 1391 (d) of the United States Judicial Code provides that "an alien may be sued in any district." Section 1400 (b) provides that "any civil action for patent infringement may be brought in the judicial district where the defendant resides, or where the defendant has committed acts of infringement and has a regular and established place of business." We are asked to decide which provision governs the venue of an action for patent infringement against an alien defendant.

Respondent Kockum, an Alabama corporation doing business in Oregon, holds a United States patent on a machine that removes bark from logs. Kockum claims that petitioner Brunette, a Canadian corporation, has infringed that patent by assisting two American manufacturers to make and sell similar machines.<sup>1</sup> Kockum obtained service of process on Brunette in Oregon, under that State's long-arm statute, Ore. Rev. Stat. § 14.035,

<sup>1</sup> Respondent's suit against one of those manufacturers, an Oregon corporation, is now pending on appeal to the Court of Appeals for the Ninth Circuit. *Kockum Industries, Inc. v. Salem Equipment, Inc.*, No. 25870.

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

No. 70-314

Brunette Machine Works, Ltd., Petitioner,  
v.  
Kockum Industries, Inc. } On Writ of Certiorari to  
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of Appeals for the Ninth  
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[May --, 1972]

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<sup>1</sup> Respondent's suit against one of those manufacturers, an Oregon corporation, is now pending on appeal to the Court of Appeals for the Ninth Circuit. *Kockum Industries, Inc. v. Salem Equipment, Inc.*, No. 25870.

Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF  
JUSTICE HARRY A. BLACKMUN

May 31, 1972

Re: No. 70-314 - Brunette Machine Works  
v. Kockum Industries

Dear Thurgood:

Please join me.

Sincerely,

*H.A.B.*

Mr. Justice Marshall

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 205433  
CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 31, 1972

*All joined - except Chief  
All wanted on brief*

Re: Burnett Machine Works v. Kockum  
Industries, Inc. No. 70-314

Dear Thurgood:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Marshall

cc: The Conference

*Thurgood - Your opinion  
is beautifully written.*

*Lewis*

3  
Supreme Court of the United States

Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST

May 31, 1972

Re: 70-314 - Brunette v. Kockum

Dear Thurgood:

Please join me in your opinion for the Court in this case.

Sincerely,

WM

Mr. Justice Marshall

Copies to the Conference